

IN RE: PETITION FOR ZONING VARIANCE
S/S Ebenezer Road, 400' SE
7/1 Ulrich Avenue
6915 Ebenezer Road
15th Election District
5th Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-205-A

Roland H. Farlow, et ux
Legal Owner
John W. Diegel, et ux
Contract Purchasers
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a zoning variance from Section 1801.2.C.6 (V.B.G.B.CMDP) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 12 ft. existing window to property line setback in lieu of the minimum 15 ft.; a variance from Section 1801.2.C.6 (V.B.G.a & V.B.a., CMDP) to permit a 16 ft. existing building to street right of way setback in lieu of the minimum 25 ft.; a variance from Section 301.1 to permit an 8 ft. existing open porch to street right of way setback in lieu of the minimum 18.75 ft., as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners, Roland Farlow, Legal Owner and John Diegel, Contract purchaser appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 6915 Ebenezer Road, consists of .25 acres +/-, zoned D.R.S.5.5, and is currently improved with a two story single family dwelling, as indicated on Petitioner's Exhibit No. 1.

Testimony indicated that the proposed Strawberry Court and widening of Ebenezer Road, as indicated on Petitioner's Exhibit No. 1, has created the need for the requested variances.

The Petitioners testified that requiring strict compliance with the B.C.Z.R. would create an undue hardship and practical difficulty and would, as a practical matter, require the razing of the subject home.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested variances should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15 day of February, 1991 that the Petition for a Zoning Variance from Section 1801.2.C.6 (V.B.G.B.CMDP) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 12 ft. existing window to property line setback in lieu of the minimum 15 ft. is hereby GRANTED; and,

IT IS FURTHER ORDERED that a zoning variance from Section 1801.2.C.6 (V.B.G.a & V.B.a., CMDP) to permit a 16 ft. existing building to street right of way setback in lieu of the minimum 25 ft. is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 301.1 to permit an 8 ft. existing open porch to street right of way setback in lieu of the minimum 18.75 ft. is hereby granted, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:mm
cc: Peoples Counsel

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

February 13, 1991

Mr. John W. Diegel
1224 Rustic Avenue
Baltimore, Maryland 21237

Mr. Roland H. Farlow
6915 Ebenezer Road
Baltimore, Maryland 21220

RE: Petition for Zoning Variance
Case No. 91-205-A

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals clerk at 887-3391.

Very truly yours,

J. Robert Haines
Zoning Commissioner

JRH:mm
encl.
cc: Peoples Counsel

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1801.2.C.6 (V.B.G.B., CMDP) to permit a 12' existing window to property line setback in lieu of the minimum 15' and from Section 1801.2.C.6 (V.B.G.a & V.B.a., CMDP) (Policy S-10.6.) to permit a 16' existing building to street right-of-way setback in lieu of the minimum 25' and from Section 301.1 to permit an 8' existing open porch to street right-of-way setback in lieu of the minimum 18.75'.

following reasons: (indicate hardship or practical difficulty)

MAP NECL
E.D. 15
DATE 2-15-91
200 4.5
1000 6

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
John W. Diegel
(Type or Print Name)
John W. Diegel
Signature
John W. Diegel
Address
1224 Rustic Avenue
City and State
Baltimore, Md 21220

Legal Owner(s):
Roland H. Farlow
(Type or Print Name)
Roland H. Farlow
Signature
Roland H. Farlow
(Type or Print Name)
Roland H. Farlow
Signature
Roland H. Farlow
Address
6915 Ebenezer Rd
City and State
Baltimore, Md 21220

Attorney for Petitioner:
(Type or Print Name)
John W. Diegel
Signature
John W. Diegel
Address
1224 Rustic Avenue
City and State
Baltimore, Md 21220

Attorney's Telephone No.: *335-8311*

ORDERED By The Zoning Commissioner of Baltimore County, this 15 day of February, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation through out Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 20 day of February, 1991, at 9:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

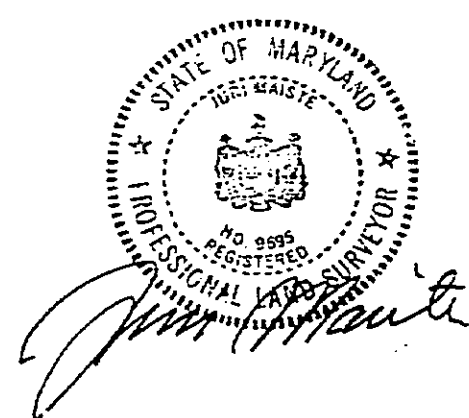
MAISTE & WATTS, INC.
SURVEYORS AND ENGINEERS

2923 Cheneaux Avenue
Baltimore, Maryland 21234
(410) 552-0321

SEPT. 18, 1990

DESCRIPTION OF NO. 6915 EBENEZER ROAD TO ACCOMPANY PETITION FOR ZONING VARIANCE, 15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning for the same on the Southwest side of Ebenezer Road, as proposed to be widened to 50 feet, at the distance of 280 feet, more or less, measured Southeastern along the Southwest side of Ebenezer Road from the centerline of Ulrich Ave, thence leaving said place of beginning and running and binding on the Southwest side of Ebenezer Road, 1) South 67 degrees 48 minutes 32 seconds East 64.30 feet, thence leaving Ebenezer Road and running the two following courses and distances, viz:
2) South 35 degrees 36 minutes 00 seconds West 171.03 feet and
3) North 56 degrees 34 minutes 17 seconds West 63.63 feet to the Southeast side of Strawberry Court, as now laid out, 50 feet wide, thence running and binding thereon, the two following courses and distances, viz:
4) North 33 degrees 02 minutes 28 seconds East 148.51 feet and
5) North 72 degrees 36 minutes 58 seconds East 12.74 feet to the place of beginning.
Containing 10,990 Square feet or 0.25 acre of Land.



CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15th
Posted for: Variance
Petitioner: Roland H. Farlow, et ux, John W. Diegel
Location of property: 6915 Ebenezer Rd, Ave. SE of Ulrich Ave
Location of Sign: Along Ebenezer Rd, between SE of Ulrich Ave, property of R. H. Farlow
Remarks:
Posted by: MAISTE & WATTS, INC. Date of return: 11/19/91
Number of Signs: 1

Baltimore County Zoning Commissioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204		Account: R-001-6156 Number
Date		Receipt No. 3709
Public Hearing Fee	QTY	PRICE
10.00	1	\$35.00
TOTAL:		\$35.00
LAST NAME OF OWNER: FARLOW		
0440+0013MICR0		\$35.00
BA 0002+0013-19-90		
Please make checks payable to: Baltimore County		
Cashier Validation:		

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1-3-1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12-26-1990

THE JEFFERSONIAN.

S. Zabe Dalm
Publisher

\$ 38.43

Notice of Public Hearing

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case Number: 91-205-A
6915 Ebenezer Road, 400' SE centerline Ulrich Avenue
15th Election District - 5th Councilmanic
Legal Owner(s): Roland H. Farlow, et ux
Contract Purchaser(s): John W. Diegel
HEARING: WEDNESDAY, JANUARY 30, 1991 at 9:30 A.M.
Variance to permit a 12 ft. existing window to property line setback in lieu of the minimum 15 ft.; to permit a 16 ft. existing building to street right-of-way setback in lieu of the minimum 25 ft.; and to permit an 8 ft. existing open porch to street right-of-way setback in lieu of the minimum 18.75 ft.

The Times

Middle River, Md., Jan 30, 1991

This is to Certify, That the annexed

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of 1 successive weeks before the 21st day of January, 1991
Publisher.

receipt

111 West Chesapeake Avenue
Towson, MD 21204

Account # 901-6150
Number

91-205

Date

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 1/21/91

John W. Diegel
1224 Rustic Avenue
Baltimore, Maryland 21237

RE:
Case Number: 91-205-A
S/S Ebenezer Road, 400' SE centerline Ulrich Avenue
6915 Ebenezer Road
15th Election District - 5th Councilmanic
Legal Owner(s): Roland H. Farlow, et ux
Contract Purchaser(s): John W. Diegel
HEARING: WEDNESDAY, JANUARY 30, 1991 at 9:30 a.m.

Dear Petitioner(s):

Please be advised that \$ 83.17 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

December 6, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-205-A
S/S Ebenezer Road, 400' SE centerline Ulrich Avenue
6915 Ebenezer Road
15th Election District - 5th Councilmanic
Legal Owner(s): Roland H. Farlow, et ux
Contract Purchaser(s): John W. Diegel
HEARING: WEDNESDAY, JANUARY 30, 1991 at 9:30 a.m.

Variance to permit a 12 ft. existing window to property line setback in lieu of the minimum 15 ft.; to permit a 16 ft. existing building to street right-of-way setback in lieu of the minimum 25 ft.; and to permit an 8 ft. existing open porch to street right-of-way setback in lieu of the minimum 18.75 ft.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Roland H. Farlow, et ux
John W. Diegel

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 22, 1990

Mr. & Mrs. Roland H. Farlow
6915 Ebenezer Road
Baltimore, MD 21220

RE: Item No. 171, Case No. 91-205-A
Petitioner: Roland H. Farlow
Petition for Zoning Variance

Dear Mr. & Mrs. Farlow:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. John W. Diegel
1224 Rustic Avenue
Baltimore, MD 21237

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 21st day of November, 1990.

J. Robert Haines
ZONING COMMISSIONER

Received By:
Chairman,
Zoning Plans Advisory Committee

Petitioner: Roland H. Farlow, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: December 3, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Edith May Souza, Item No. 166
Earlie E. and Linda R. Towe, Item No. 170
Roland H. and Darlene Farlow, Item No. 171
Kwan Woo Lee, Item No. 173
Harry E. Belinger, et al., Item No. 175
Gary D. and Kathleen M. Stewart, Item No. 178
Dale A. and Cheryl Poletynski, Item No. 181
Bruce D. and Mary V. Frith, Item No. 182
Eileen C. Miesler, Item No. 183
William M. and Constance M. Pitcher, Item No. 185
Key Federal Savings Bank, Item No. 186
Stephen D. and Wendy K. Mooney, Item No. 189
Brian D. and Tullia Briscoe, Item No. 193
Charles Henry and Vickie Jean Wallis, Item No. 195
Sharon Plaskowski, Item No. 196
Gary E. Stahl, Item No. 199
Keith E. and Terri L. Yeager, Item No. 201
Robert E. and Deborah L. Jennings, Item No. 202
Gloria P. Brown, Item No. 203
Robert E. and Karen F. Ege, Item No. 207
Javad Darbandi, Item No. 208
Thomas D. and Jeannette Considine, Item No. 209
Helen M. Yingling, Item No. 214

In reference to the Petitioners' requests, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEMSMUL.TPL/ZAC1

received
1/10/91

Baltimore County Government
Department of Public Works
Bureau of Traffic Engineering

901 Roske Avenue Suite #18
Towson, MD 21204

887-3354
Fax 887-5781

December 10, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 165, 166, 171, 173, 179, 183, 185, 190, 191, 192 and 197.

Very truly yours,
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lab

received
1/13/91

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(800) 887-4390

Paul H. Remke
Chief

NOVEMBER 21, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ROLAND H. FARLOW
Location: #6915 EBENEZER ROAD
Item No.: 171 Zoning Agenda: NOVEMBER 20, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Noted and Approved
Planning Group Special Inspection Division

JK/KEK

received
1/26/91

